



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Green Management Corp.--Reconsideration

File: B-233598.2

Date: February 27, 1989

DIGEST

Dismissal of protest for failure to file comments is affirmed. Even though the protester did not realize that the agency submission it received at the time the agency's report was due was the report, this does not excuse the protester's failure to timely file comments or some other expression of continued interest.

DECISION

Green Management Corp. (GMC) requests that we reconsider our January 26, 1989, dismissal of its protest under request for proposals No. S101-88-025, issued by the U.S. Department of Housing and Urban Development (HUD). We dismissed the protest because GMC failed to file in our Office, as required by our Bid Protest Regulations, either its comments in response to the agency report, or any expression of its continued interest in the protest, within 10 working days of receipt of the agency report. 4 C.F.R. § 21.3(k) (1988).

We affirm the dismissal.

In its request for reconsideration, GMC states that it did not realize that it had received the agency report. GMC states that at the time it filed its protest it had also submitted a Freedom of Information Act (FOIA) request to HUD. GMC states that since "both letters [i.e., the report and the FOIA response] came in the mail together," GMC did not realize that one of the "letters" was the agency report.

The filing deadlines in our Regulations are prescribed under the authority of the Competition in Contracting Act of 1984; their purpose is to enable us to comply with the statute's mandate that we resolve bid protests expeditiously.

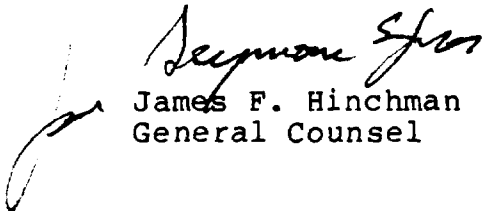
31 U.S.C. § 3554(a) (Supp. IV 1986); Honeywell, Inc.--Reconsideration, B-229682.2, Feb. 10, 1988, 88-1 CPD ¶ 134.

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To avoid delay in the resolution of protests, our Bid Protest Regulations provide that the protester's failure to file comments within 10 working days, or to file a statement requesting that the protest be decided on the existing record, or to request an extension of the time for submitting comments, will result in the dismissal of the protest. 4 C.F.R. § 21.3(k). Furthermore, we inform the protester in our acknowledgment notice of the date on which the agency report is due, and advise that our Office must be promptly notified if a copy of the report is not received on that date; otherwise, it will be assumed that the protester received a copy of the report on the same date we received it. See Harrell-Patterson Contracting, Inc.--Request for Reconsideration, 65 Comp. Gen. 330 (1986), 86-1 CPD ¶ 180. But for such a requirement, the protester could idly await a copy of the report for an indefinite time to the detriment of the protest system as well as our ability to resolve the protest expeditiously. Id.

We received the report on December 27, 1988. The protester's comments were due on January 11, 1989. We received no written communication from the protester until February 3, 1989, which was in response to our notice of January 26, 1988, dismissing the protest. In these circumstances the protest was properly dismissed and will not be reopened.

The dismissal of GMC's protest is affirmed.



James F. Hinchman
General Counsel